

# STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
302 W. WASHINGTON STREET, SUITE E-306  
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>  
Office: (317) 232-2701  
Facsimile: (317) 232-6758

IN THE MATTER OF THE PETITION )  
OF ACN COMMUNICATION SERVICES INC. )  
FOR A CERTIFICATE OF TERRITORIAL )  
AUTHORITY TO PROVIDE FACILITIES- )  
BASED AND RESOLD LOCAL EXCHANGE )  
TELECOMMUNICATIONS SERVICES )  
INCLUDING CALLER ID SERVICES )  
THROUGHOUT THE STATE OF INDIANA )  
AND FOR AN ORDER REQUESTING THE )  
COMMISSION TO DECLINE TO EXERCISE ITS )  
JURISDICTION PURSUANT TO I.C. 8-1-2.6 )

**FILED**

**FEB 23 2004**

INDIANA UTILITY  
REGULATORY COMMISSION

**CAUSE NO. 42479**

You are hereby notified that on this date, the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On July 2, 2003, ACN Communication Services, Inc. ("Petitioner") filed its Petition with the Indiana Utility Regulatory Commission ("Commission"), requesting the Commission issue a Certificate of Territorial Authority to provide facilities-based and resold local exchange services to the public within the State of Indiana, including Caller ID services, and for an Order by the Commission declining to exercise its jurisdiction in whole or in part, to the fullest extent allowed by law, under I.C. 8-1-2.6.

Pursuant to notice and as provided for in 170 IAC 1-1.1-15, a Prehearing Conference in this Cause was held on August 18, 2003. The Petitioner and the Office of Utility Consumer Counselor ("Public") appeared and participated at the Prehearing Conference, and agreed to a procedural schedule in this Cause. On September 25, 2003, the Commission issued a docket entry re-setting the procedural schedule, after being informed by the parties that such action was necessary.

On October 10, 2003, the Presiding Officer received a *Motion for Extension of Procedural Schedule* from the Public, requesting a further revision of the schedule due to persistent discovery difficulties between the parties. The Presiding Officer issued a docket entry on October 14, 2003, resetting the schedule regarding the filing and hearing dates in this Cause. On October 29, 2003, the Presiding Officer received a *Motion for Extension of Procedural Schedule* from the Public, requesting a further revision of the schedule due to settlement and scheduling issues.

On November 20, 2003, the Presiding Officer received ACN Communications Services, Inc.'s *Verified Motion to Temporarily Suspend Procedural Schedule by Agreement* ("Motion"), in which

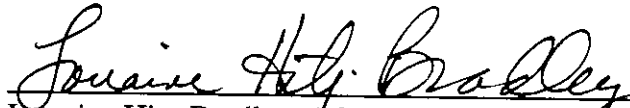
Petitioner asserted that due to its involvement in other matters, it had reached agreement with the Public to suspend the matter for ninety (90) days. Further, Petitioner proposed that it file a status report with the Commission on or before February 20, 2004, stating its intent to proceed, and proposing a further schedule as necessary.

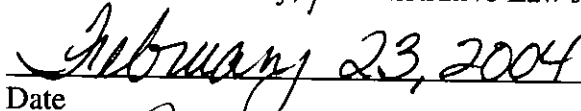
On February 20, 2004, Petitioner filed its *Verified Motion to Continue Temporary Suspension of Procedural Schedule by Agreement*, in which Petitioner advised that the parties had failed to resolve outstanding issues and had a further meeting scheduled for February 24, 2004. Petitioner requested that the suspension of the procedural schedule continue until further order, and requested that the Presiding Officer grant it leave to file a Status Report by March 5, 2004, at which time Petitioner would propose a further schedule.

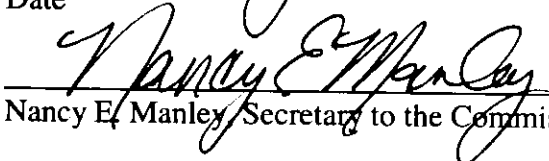
The Presiding Officer in this Cause, being duly advised in the premises, hereby finds that:

Petitioner's Motion is GRANTED. This matter is temporarily suspended, and Petitioner shall file a status report on or before March 5, 2004, indicating its intent to proceed, with a procedural schedule, as necessary. Failure to timely file such report may result in dismissal of this matter without prejudice.

**IT IS SO ORDERED.**

  
Lorraine Hitz-Bradley, Administrative Law Judge

  
Date

  
Nancy E. Manley, Secretary to the Commission